

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hansjoerg Meerpohl et al.  
Application Number: 10/584,164  
Filing Date: 04/09/2007  
Group Art Unit: 3743  
Examiner: Steven Michael Gravini  
Title: METHOD AND DEVICE FOR DRYING CLOTHES

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

Appellants hereby file a reply brief in the above-identified application.

Table of Contents

(1) SUMMARY OF THE NEW REASONING SET FORTH IN THE EXAMINER'S ANSWER DATED December 1, 2010.....	3
(2) ARGUMENT.....	5
(3) CONCLUSION.....	7

(1) SUMMARY OF THE NEW REASONING SET FORTH IN THE EXAMINER'S  
ANSWER DATED DECEMBER 1, 2010

Appellants in this Reply Brief address two new arguments raised by the Examiner in support of the final rejection of claim 36 as unpatentable under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of Hughes US Patent No. 2,961,776 in view of Kohlman et al US Patent No. 6,381,870. It remains the position of Appellants that the rejection of claim 36 as unpatentable under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of Hughes US Patent No. 2,961,776 in view of Kohlman et al US Patent No. 6,381,870 is not a proper rejection. To facilitate an understanding on Appellants' position, a brief summary of the status of the final rejection of claim 36 is provided as follows.

In the Final Office Action dated April 28, 2010, the Examiner finally rejected claim 36 as unpatentable under 35 U.S.C. §103(a) as being unpatentable over Janke US Patent No. 3,702,030 in view of Hughes US Patent No. 2,961,776 in view of Kohlman et al US Patent No. 6,381,870. Claim 36 is a dependent claim depending directly from independent claim 16 and independent claim 16 itself was finally rejected in the Final Office Action dated April 28, 2010 as unpatentable under 35 U.S.C. §103(a) over a combination of the two first cited references - namely, Janke US Patent No. 3,702,030 in view of Hughes US Patent No. 2,961,776. Merely to facilitate the next-following discussion, independent claim 16 of the present application can be understood, in strictly a shorthand description, as being directed to a method for drying laundry in a dryer comprising a housing and a drum receiving the laundry and mounted for rotation with respect to the housing. The method comprises the acts of performing a drying program including a heating-up phase, a drying phase, and a cooling-down phase (Page 2, lines 4 - 6, Page 3, lines 13 - 15, and Figure 1). The act of performing an anti-crease cycle includes performing an anti-crease cycle after the drying phase has been performed, the anti-crease cycle having alternating intervals including rotary movement time intervals, in which the drum is rotated to agitate the laundry, and stoppage time intervals, in which the drum stops rotating and the laundry is at rest (Page 3, lines 28 - 31 and Figure 1). According to independent claim 16, the duration of the rotary

movement intervals decreases in relation to the stoppage time intervals in response to an operating parameter.

Claim 36 depends from claim 16 and recites that the method for drying laundry in a dryer according to Claim 16 further comprises performing the drying program again including another heating-up phase, another drying phase, and another cooling-down phase and performing another anti-crease cycle after the another drying phase of the drying program has been performed, this another anti-crease cycle having alternating intervals including rotary movement time intervals, in which the drum is rotated to agitate the laundry, and stoppage time intervals, in which the drum stops rotating and the laundry is at rest, the duration of the rotary movement intervals decreasing in relation to the stoppage time intervals, and the duration of these rotary movement intervals decreasing in relation to these stoppage time intervals in a different manner than the duration of the rotary movement intervals decrease in relation to the stoppage time intervals in connection with the anti-crease cycle of the first-mentioned drying phase (Page 2, lines 7 - 24 and Figure 1).

To briefly summarize the final rejection of claim 36, the Examiner had asserted in the Final Office Action dated April 28, 2010 that:

"Janke '030 in view of Hughes '776 discloses the claimed invention, except for the claimed anti-crease feature. Kohlman, another dryer, discloses that feature at column 4 line 53 through column 5 line 17. It would have been obvious to one skilled in the art to combine the teachings of Janke '030 in view of Hughes '776 with the anti-crease feature of Kohlman et al '870 in order to allow various operator controls for different laundering requirements."

Now, in the Examiner's Answer dated December 1, 2010, the Examiner continues to assert that claim 36 is unpatentable under 35 U.S.C. §103(a) over Janke US Patent No. 3,702,030 in view of Hughes US Patent No. 2,961,776 in view of Kohlman et al US Patent No. 6,381,870 as set forth just above. Moreover, in addition to still asserting the above-noted arguments, the Examiner also sets forth in the Examiner's Answer dated December 1, 2010 two new bases in support of the final rejection of claim 36 as unpatentable under 35 U.S.C. §103(a) over Janke US Patent No. 3,702,030 in view of Hughes US Patent No. 2,961,776 in view of Kohlman et al US Patent No. 6,381,870. Specifically, on Page 14 of the Examiner's Answer dated

December 1, 2010, the Examiner now offers the following new reasoning in support of the final rejection of claim 36 as unpatentable under 35 U.S.C. §103(a) over Janke US Patent No. 3,702,030 in view of Hughes US Patent No. 2,961,776 in view of Kohlman et al US Patent No. 6,381,870: "The assertion by appellants that Hughes does not suggest an anti-crease cycle is not consistent with the disclosure of that reference because at column 5 line 72, an optimum air flow for drying synthetics is disclosed, then on line 73, "for the de-wrinkle cycle" is disclosed. Clearly those are separate steps such that Janke in view of Hughes discloses the invention as claimed." Also, on Page 14 of the Examiner's Answer dated December 1, 2010, the Examiner now offers the following new reasoning in support of the final rejection of claim 36 as unpatentable under 35 U.S.C. §103(a) over Janke US Patent No. 3,702,030 in view of Hughes US Patent No. 2,961,776 in view of Kohlman et al US Patent No. 6,381,870: "Also, statements of desirability and intended uses do not overcome the prior art unless the claimed invention is structurally and functionally different from the prior art. In this application, the claimed structure and function is met by Janke because the structure and function of that reference meets the desirability of an anti-crease function."

Appellants herewith address the new arguments set forth by the Examiner with respect to the above-noted rejection of claim 36 as unpatentable under 35 U.S.C. §103(a) over Janke US Patent No. 3,702,030 in view of Hughes US Patent No. 2,961,776 in view of Kohlman et al US Patent No. 6,381,870 and respectfully request withdrawal of this rejection for the reasons set forth in the Appeal Brief filed October 8, 2010 and the following reasons.

(2) ARGUMENT

A. The New Description of the Operation of the Clothes Dryer of Hughes US Patent No. 2,961,776 Is Not Correct

The Examiner now asserts that Hughes '776 discloses a respective step of "drying" at column 5 line 72, - i.e., "an optimum air flow for drying synthetics is disclosed" and also discloses a separate and distinct step of a "de-wrinkle" cycle at column 5 line 73. However, the passages of Hughes '776 noted by the Examiner do not

teach or disclose separate “drying” and “de-wrinkling” steps but, instead, merely teach an approach for varying the heating effect via control of the air flow. There is simply no teaching or even a hint of the desirability of providing separate “drying” and “de-wrinkling” steps. In view of this, the Examiner is incorrect in now asserting: “Clearly those are separate steps such that Janke in view of Hughes discloses the invention as claimed.”

B. The New Assertion That the Claimed Structure and Function Is Met By Janke Is Not Correct

With respect to the assertion on Page 14 of the Examiner's Answer dated December 1, 2010: “[S]tatements of desirability and intended uses do not overcome the prior art unless the claimed invention is structurally and functionally different from the prior art. In this application, the claimed structure and function is met by Janke because the structure and function of that reference meets the desirability of an anti-crease function”, Appellants respectfully disagree with this assertion and submit that the Examiner has ignored the “claimed structure and function” of claim 36 of the present application. In fact, claim 36 recites limitations that are clearly not disclosed in any of Janke '030, Hughes '776, or Kohlman et al '870 and the Examiner has not in any manner asserted that one of skill in the art would even be motivated to modify any of the arrangements in Janke '030, Hughes '776, or Kohlman et al '870 to arrive at the method for drying laundry in a dryer according to claim 36 of the present invention. For example, none of Janke '030, Hughes '776, or Kohlman et al '870 hint at or suggest an anti-crease cycle that comprises alternating intervals including rotary movement time intervals, in which the drum is rotated to agitate the laundry, and stoppage time intervals, in which the drum stops rotating and the laundry is at rest, wherein the duration of these rotary movement intervals decreases in relation to these stoppage time intervals in a different manner than the duration of the rotary movement intervals decrease in relation to the stoppage time intervals in connection with the anti-crease cycle of a first- drying phase, as is recited in claim 36 of the present application. Janke '030 merely discloses, in Column 5, lines 29 – 33, a drying cycle comprised of “intervals” that are of the same unvarying duration during each repetition of the drying

cycle – *i.e.*, two successive cool down intervals always of 5 minutes duration each, a pause always of 5 minutes, a tumble interval always of 5 seconds, and a pause always of 5 minutes. Janke '030 does not hint at or suggest that the duration of any of these intervals are to be varied at all during another drying cycle, let alone hinting at or suggesting that the duration of a specific interval be varied in relation to another interval, and certainly Janke '030 does not hint or suggest that, in connection with a respective drying cycle or anti-crease cycle, the duration of a rotary movement interval decrease in relation to a stoppage time interval in a different manner than the duration of the rotary movement interval decrease in relation to the stoppage time interval in connection with the drying cycle or anti-crease cycle of another respective drying phase, as is recited in claim 36 of the present application. Likewise, neither Hughes '776 nor Kohlman et al '870 provide any hint or suggestion to one of skill in the art to provide the “claimed structure and function” of the method for drying laundry in a dryer according to claim 36 of the present invention.

### (3) CONCLUSION

In view of the foregoing discussion, Appellants respectfully request reversal of the Examiner's rejection of claim 36, as well as reversal of the final rejections of the other pending claims of the present application.

Respectfully submitted,

/James E. Howard/

James E. Howard  
Registration No. 39,715  
January 19, 2011

BSH Home Appliances Corporation  
100 Bosch Blvd.  
New Bern, NC 28562  
Phone: 252-639-7644  
Fax: 714-845-2807  
james.howard@bshg.com